

1 [List of Counsel Appears on Last Page]

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Spring Design, Inc.,

Plaintiff,

vs.

Barnesandnoble.com LLC,

Defendant.



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CASE NO. 5:09-cv-05185-JW

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY CASE SCHEDULE**

Trial Date: None set

STIPULATION

WHEREAS, plaintiff Spring Design, Inc. (“Spring”) and defendant Barnesandnoble.com LLC (“BN”) agree that the deadlines in the Court’s March 4, 2010 Scheduling Order should be modified;

WHEREAS, Special Master Denver considered the parties' proposals regarding a revised schedule, adopted the schedule set forth below, and requested that the parties file this joint stipulation;

NOW, WHEREFORE, pursuant to Civil Local Rules 7-12 and 16-2, BN and Spring stipulate that the March 4, 2010 Scheduling Order should be modified as follows:

EVENT	DATE
Last day to complete document production	June 15, 2010
Last day to complete fact discovery	August 13, 2010
Last day to exchange opening expert reports	August 27, 2010
Last day to exchange rebuttal expert reports	September 10, 2010
Deadline to complete expert discovery	October 1, 2010
Deadline to file motions for summary judgment	October 15, 2010
Deadline to file oppositions to motions for summary judgment	October 25, 2010
Deadline to reply in support of motions for summary judgment	November 1, 2010
Summary judgment hearing	November 22, 2010 at 9:00 AM
Pretrial conference	December 13, 2010 at 11:00 AM

1 IT IS SO AGREED AND STIPULATED.

2 DATED: April 30, 2010

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40 *Attorneys for Plaintiff SPRING DESIGN INC.*

41 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

42 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest under penalty of
43 perjury that the concurrence in the filing of this document has been obtained from its signatories.

44 Dated: April 30, 2010

45 By: /s/ Melissa J. Baily
46 Melissa J. Baily

[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, it is hereby ordered that the case deadlines contained in the March 4, 2010 Scheduling Order are modified as follows:

EVENT	DATE
Last day to complete document production	June 15, 2010
Last day to complete fact discovery	August 13, 2010
Last day to exchange opening expert reports	August 27, 2010
Last day to exchange rebuttal expert reports	September 10, 2010
Deadline to complete expert discovery	October 1, 2010
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Summary judgment hearing	November 22, 2010 at 9:00 AM
Pretrial conference	December 13, 2010 at 11:00 AM

The parties shall file a joint pretrial conference statement by **December 3, 2010**. All other requirements contained in the Scheduling Order remain.

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

DATED: May 4 , 2010

The Honorable James Ware
United States District Judge